

REMARKS

This Amendment is in response to the office action of November 9, 2007 in which the Examiner rejected claims 9 as anticipated by Riello and rejected claims 11-6 as unpatentable over Riello in view of Bottaro. The Examiner also rejected the claims because the wall separating the evaporator and condenser compartments is allegedly not shown or described.

The applicant wishes to thank the Examiner and her supervisor for the opportunity to conduct a telephone interview on August 13, 2008. Although no agreement was reached the Examiners indicated an understanding of the applicant's position, and agreed to consider the arguments.

During the interview the applicant explained that the drawings show a wall 20 separating the condenser from the evaporator (Figs. 4, 5 and 5a). The wall 20 has been referenced in the amended drawing, which did not have a specific reference number associated with it. However, it is clear that the equipment in the evaporator section 13a of Fig. 4 is not visible, because the wall 20 blocks the view. If no wall were present, the components would be visible. In Figs. 5 and 5a the wall is the straight line separating sections 13a and 13b. The description of the invention says that there are two parts of the housing, namely the evaporator section and the condenser section. In air conditioners the evaporator section and condenser section are always separated. In conventional devices, the sections are housed in physically separated housings. In the unitary device described herein, the sections are separate, but are enclosed in the main housing as a single unit. As is well known in the art, if the evaporator and condenser are not separated, the air flows would mix and the device would not operate properly.

The attached amendments to the specification and drawings note the wall 20. In addition, the wall 20 lies in plane P which is identified as well. The specification refers to the plane as lying perpendicular to the air flow. It is believed that no new matter has been added to the application as a result of the amendment. The Examiners indicated that the rejection under section 112 would be overcome by the arguments presented by the applicant.

The independent claims have been amended in order to more clearly recite that the wall 20 extends completely across the housing, lies in a single plane, and extends to the perimedal wall. During the interview the Examiners indicated that they were not sure the proposed amended claims distinguish over Riello. Such claims recite that the wall 20 extends completely across the housing and lies in a single plane. Applicant has further amended the claim to state that the wall 20 extends to the perimedal wall. Such additional recitation is presented in order to make it abundantly clear that the wall 20 extends to the side walls in the housing. In Riello, the wall extends from one side wall to the end wall perpendicular there to. The end wall is in the room, whereas in the invention, the perimedal or sidewalls are in the opening in the building.

The Riello reference clearly shows a wall between the condenser and evaporator. However the wall is clearly not in a single plane extending completely across the housing to the perimedal walls so that the evaporator is completely in front of the condenser. Indeed, in Riello, parts of the condenser and evaporator are immediately adjacent the part of the housing inside the room. While the Examiners pointed out that Riello contemplates components of different sizes, as would any mechanical device, Riello does not suggest that modification of such components would result in an isolated compartment. In the invention, the condenser which contains a compressor motor is physically separated from the room by the interposition of the evaporator section. This completely isolates compressor section and the noise of the compressor from the room.

In response to the Examiner's discussion of the arguments previously presented, applicant has the following comments.

Although it was intended to claim separate compartments where the compartments are physically separated from each other and the condenser is separated from the room by the interposition of the evaporator, one behind the other, the earlier claim did not technically exclude the possibility of part of the condenser section could be adjacent to the room. In the amended claim, the wall lies in a single plane and the compartments are disposed completely one behind the other and the wall extends to the perimedal wall. In this way the condenser is specifically separated from the room by the space created by the interposition of the evaporator in front of the

condenser. The placement of the condenser is thus in effect claimed as it is in the condenser compartment.

The wall in Riello is not a single plane, and indeed turns so that it extends from the side wall to the wall adjacent the room. Thus part of the condenser is not separated or isolated from the room. In the claim, the wall lies in a single plane extending to the perimedial wall, which thus establishes the space separating the condenser from the room.

This difference is specifically recited. Importantly, the separation creates a separate space formed of the evaporator which is interposed between the room and the condenser, whereby the noise is abated and muffled. The noisy components are located in the outside room and are separated from the room by the addition of a separate space housing the evaporator part, which has a fan to move cool air into the room and is much less noisy than the compressor. While both compartments each have a fan, the condenser has a compressor motor which is a notoriously noisy component of an air conditioner.

None of the references noted by the Examiner suggest ways in which the advantages of the invention are achieved. Accordingly, it is respectfully requested that the Examiner reconsider the rejection and allow the claims.

The Commissioner is authorized to charge deposit account 504147 for any fees which may be required or credit any overpayment thereto.

Respectfully submitted,
/John P. De Luca/

John P. DeLuca
Registration No. 25,505
Attorney for Applicant

Customer Number 66804
301 349 2899